

# INTERSECTION OF COMPETITION POLICY AND PATENT POLICY: IMPLICATIONS FOR PROMOTING INNOVATION

## BIOGRAPHICAL STATEMENTS OF PARTICIPANTS

May 26, 2010

### OPENING REMARKS

**David Kappos** is the Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office. In this role he advises the President, the Secretary of Commerce, and the Administration about intellectual property matters. Prior to joining the USPTO, Mr. Kappos was Vice President and Assistant General Counsel, Intellectual Property Law and Strategy, for IBM Corporation, directing IBM's Intellectual Property Law function, providing legal counsel over all facets of protecting and licensing IBM's intellectual property assets and leading IBM's engagement of intellectual property law policy issues, as well as setting legal strategy for the company across IBM's technology-based business units. In particular, Mr. Kappos was responsible for the management of IBM's patent and trademark portfolios; protecting and licensing intellectual property (patents, copyrights, trademarks, know-how and technology) worldwide; and directing intellectual property law operations relating to the research, services, consulting, computer systems, storage products, semiconductor and technology development, software, marketing and other groups, divisions, and entities within IBM. In addition, Mr. Kappos was responsible for IP policy and coordination with IBM's litigation and corporate development groups in matters relating to intellectual property.

**Christine A. Varney** was confirmed as Assistant Attorney General for the Antitrust Division of the United States Department of Justice on April 20, 2009, continuing a distinguished career in both the public and private sectors. Immediately prior to her appointment, Ms. Varney was a partner in the Washington, D.C. office of Hogan & Hartson LLP, where she served in a dual capacity as a member of the firm's Antitrust Practice Group and head of the firm's Internet Practice Group. Her practice provided full-service assistance to companies doing business globally, including providing advice on antitrust, competition policy, regulatory matters, privacy, business planning and corporate governance, intellectual property, and general liability issues. From 1994 to 1997, Ms. Varney served as a Commissioner at the Federal Trade Commission, and was a leading official on a wide variety of Internet and competition issues. Prior to becoming a Federal Trade Commissioner, Ms. Varney served as an Assistant to the President and Secretary to the Cabinet. She was the primary point of contact for the 20-member Cabinet and was responsible for the overall coordination of several major issues and initiatives between the White House and various agencies.

**Aneesh Chopra** is the United States Chief Technology Officer and in this role serves as an Assistant to the President and Associate Director for Technology within the Office of Science and Technology Policy. He works to advance the President's technology agenda by fostering new ideas and encouraging government-wide coordination to help the country meet its goals—from job creation to reducing health care costs to protecting the homeland. He was sworn in on May 22, 2009. Prior to his appointment, he served as Secretary of Technology for the Commonwealth of Virginia from January 2006 until April 2009. He previously served as Managing Director with the

Advisory Board Company, a publicly traded healthcare think tank. Mr. Chopra was named to Government Technology magazine's Top 25 in their Doers, Dreamers, and Drivers issue in 2008. Mr. Chopra received his B.A. from The Johns Hopkins University and his M.P.P. from Harvard's Kennedy School.

**PANEL 1: THE PATENT APPLICATION BACKLOG: THE COMPETITIVE CHALLENGES FOR INNOVATORS**

**Arti Rai** (moderator) was sworn in as Administrator for External Affairs at the USPTO on October 19, 2009. The Office of External Affairs consists of the Office of Intellectual Property and Enforcement (OIPPE) and the Office of Governmental Affairs (OGA), which report to Ms. Rai. As Administrator for External Affairs, Ms. Rai serves as a policy adviser to the Under Secretary of Commerce for Intellectual Property and oversees the office's work with Congress on major legislation to reform current patent law and practice, coordination of informational and educational events on piracy and counterfeiting, and implementation of international intellectual property treaties. She is responsible for working with foreign governments to develop and improve their intellectual property laws and systems, and advising the Department of State and the United States Trade Representative (USTR) on drafting, reviewing and negotiating intellectual property sections in bilateral and multilateral investment treaties and trade agreements as well as advising the USTR on intellectual property issues in the World Trade Organization.

**Erica Mintzer** (moderator) is Senior Counsel for Competition and Technology in the Antitrust Division at the U.S. Department of Justice, where she focuses on civil investigations involving high-technology and IP-intensive industries and advising the Division on issues where intellectual property and antitrust laws and policies intersect. Before joining the Antitrust Division in January 2010, Ms. Mintzer was an attorney at Hogan & Hartson LLP, where she worked with high-technology clients on a wide range of antitrust issues, including mergers and acquisitions, IP licensing, patent settlements, patent pools, and standard-setting activities. Before joining Hogan & Hartson, Ms. Mintzer was an attorney at the Federal Trade Commission, where she focused on merger and non-merger investigations in high-technology, Internet, and media and entertainment industries. Ms. Mintzer graduated magna cum laude and Phi Beta Kappa from Tufts University, before receiving a law degree from The University of Pennsylvania, and a Master's of Science from The California Institute of Technology.

**John F. Duffy** is the Oswald Symister Colclough Research Professor of Law at The George Washington University Law School. He joined the faculty in 2003. After receiving an undergraduate degree in physics, Professor Duffy served as articles editor on the University of Chicago Law Review and was awarded an Olin Fellowship in Law and Economics. Professor Duffy clerked for Judge Stephen Williams on the U.S. Court of Appeals for the D.C. Circuit and for Justice Antonin Scalia on the U.S. Supreme Court, served as an attorney adviser in the Department of Justice's Office of Legal Counsel, and practiced law with Covington & Burling. Since entering academia in 1996, Professor Duffy has been on the faculty of the Benjamin N. Cardozo School of Law and the William and Mary School of Law, and has also served as a visiting professor at the University of Chicago. He has published articles in the University of Chicago Law Review, Columbia Law Review, Texas Law Review, and Supreme Court Review, and he is the coauthor of a casebook on patent law. Professor Duffy teaches torts, administrative law, patent law, and international intellectual property law.

**Joshua Makower**, M.D., is the CEO and Founder of ExploraMed Development, LLC, a medical device incubator. He is also a Venture Partner with New Enterprise Associates where he supports the investing activity in the medical device arena. Dr. Makower serves as a Consulting Associate Professor of Medicine at Stanford University Medical School and co-founded Stanford's Biodesign Innovation Program. He has founded several companies through the ExploraMed incubator that have achieved successful M&A transactions, including Acclarent, Inc., a company focused on developing novel therapies in ENT, which was acquired by J&J in 2010; TransVascular, Inc., a company focused on the development of a completely catheter-based coronary bypass technology, which was acquired by Medtronic, Inc. in 2003; and EndoMatrix, Inc., a company focused on the development of a novel therapy for incontinence and GI Reflux, which was acquired by C.R. Bard in 1997. Until 1995, Dr. Makower was Founder and Manager of Pfizer's Strategic Innovation Group, a group chartered to create new medical device technologies and businesses for Pfizer's medical device businesses. Dr. Makower holds an M.B.A. from Columbia University, an M.D. from the New York University School of Medicine, and an S.B. in Mechanical Engineering from the Massachusetts Institute of Technology.

**Michael Meurer**, Ph.D., is Michaels Faculty Research Scholar and Professor of Law at the Boston University School of Law. An S.B., J.D. and Ph.D., he became an economics professor at Duke University and later a law professor at the University of Buffalo. He joined the faculty of the Boston University School of Law in 1999, where he has taught courses in patents, intellectual property, and public policy regarding the high-tech industry. Professor Meurer has received several grants and fellowships, including two grants from the Pew Charitable Trust, a Ford Foundation grant, an Olin Faculty Fellowship at Yale Law School and a postdoctoral fellowship at AT&T Bell Labs. He has served as an expert witness for the Federal Trade Commission on a merger case presenting issues related to patent licensing. He also has consulted with government officials from developing countries about antitrust law, and taught short courses in American intellectual property law at the law faculties of the University of Victoria and the National University of Singapore.

**Richard T. Ogawa** is an intellectual property attorney specializing in emerging high technology companies and in particular "green" companies. He is founder of OGAWA, P.C. and serves as Chief Intellectual Property Officer for, among others, Stion, Soraa, Kaai, Topanga Technologies, and PVT Solar. He also serves as counsel for other high-technology start-up companies. Overall, Mr. Ogawa has been involved in high technology for over twenty five years, worked with over 200 companies, and has been associated with over a thousand patents and transactions. In his legal practice, Mr. Ogawa specializes in patent prosecution and high technology transactions.

He received a B.S. in Chemical Engineering from the University of California, Davis in 1984, and he received a J.D. from McGeorge School of Law, University of the Pacific in 1991. He is a member of the California State Bar and is a Registered United States Patent Attorney. Mr. Ogawa also serves as a partner member for Technology Group 2800 of the U.S. Patent and Trademark Office.

**Scott Stern**, Ph.D., is the Joseph and Carole Levy Professor at the Kellogg School of Management, Northwestern University and Visiting Professor at MIT Sloan School of Management. He is also the co-organizer of the NBER Innovation Policy and the Economy Working Group and a Senior Fellow of the Searle Center on Law, Regulation and Economic Growth. He is an Associate Editor of Management Science, the Journal of Industrial Economics, the International Journal of Industrial Organization, serves on the Board of Management of the International Schumpeter Society, and has

served on the editorial boards of the Antitrust Law Journal and the Journal of Business and Economics Statistics. In 2005, Professor Stern was awarded the first Ewing Marion Kauffman Prize Medal for Distinguished Research in Entrepreneurship.

Professor Stern graduated with a B.A. in economics from New York University, and received his Ph.D. in economics from Stanford University in 1996. From 1995-2001, Professor Stern was Assistant Professor of Management at the Sloan School at MIT, and, from 2001-2003, Professor Stern was a Non-Resident Senior Fellow of the Brookings Institution.

**PANEL 2: PERMANENT INJUNCTIONS IN THE DISTRICT COURTS AND ITC: EFFECTS ON COMPETITION AND INNOVATION**

**Suzanne Michel** (moderator) is Deputy Director in the Office of Policy Planning at the Federal Trade Commission. She focuses on the patent and patent/antitrust issues that arise in the FTC's enforcement and policy work. Ms. Michel is currently heading the FTC's project on the "Evolving IP Marketplace." The FTC awarded her the Paul Rand Dixon award in 2002 and the Excellence in Supervision award in 2008. Before joining the FTC ten years ago, she worked in the Civil Division of the Department of Justice as a patent litigator. Ms. Michel received her B.S. with honors from Northwestern University and her Ph.D. in Chemistry from Yale University. She graduated from University of California, Berkeley, School of Law where she was a member of the Order of the Coif and received the prize for best paper published by a graduating student. Following law school, she served as a law clerk to the Honorable Paul R. Michel (no relation) at the Court of Appeals for the Federal Circuit. She is a registered patent attorney.

**Raymond Chen** (moderator) was named the Deputy General Counsel for Intellectual Property Law and Solicitor in December 2008. In this role, he defends the Under Secretary of Commerce and Director of the USPTO and the agency in court-related procedures relating to intellectual property issues. As an Associate Solicitor for 10 years, Mr. Chen briefed and argued numerous cases before the U.S. Court of Appeals for the Federal Circuit, including *In re Bilski*. Before joining the USPTO, Mr. Chen served for two years as a Technical Assistant at the U.S. Court of Appeals for the Federal Circuit. Prior to that, he was an associate at Knobbe, Martens, Olson & Bear in Newport Beach, California, where his practice focused on patent prosecution and litigation. Before entering law school, Mr. Chen was a scientist for Hecker & Harriman in Los Angeles, California, specializing in patent prosecution for electronics and computer-related technologies. He received his J.D. from the New York University School of Law and his B.S. in Electrical Engineering from the University of California at Los Angeles.

**William Barr** served as Executive Vice President and General Counsel of Verizon Communications Inc. from 2000 to 2008. Prior to that, he served as the 77th Attorney General of the United States from 1991 to 1993 before joining GTE Corporation as Executive Vice President and General Counsel from 1994 to 2000. Mr. Barr is a director of Time Warner Inc., Selected Funds, and Holcim US. He received A.B. and M.A. degrees from Columbia University and a J.D. from The George Washington University Law School.

**Bernard J. "Barney" Cassidy** is General Counsel and Executive Vice President of Tessera Technologies, Inc. Before coming to Tessera in 2008, Mr. Cassidy served for more than nine years as general counsel and senior vice president for Tumbleweed Communications Corp., where he was responsible for corporate development and legal matters. Prior to Tumbleweed, he practiced law at

Wilson, Sonsini, Goodrich & Rosati, and at Skadden, Arps, Slate, Meagher & Flom. Mr. Cassidy also served as a law clerk to the Honorable John T. Noonan, Jr. of the U.S. Court of Appeals for the 9th Circuit. Mr. Cassidy holds a juris doctorate from Harvard Law School, a Master's degree in philosophy from the University of Toronto, and a B.A. in philosophy from Loyola University. While at Harvard Law School, he was a research assistant to Professor Arthur R. Miller, focusing on federal civil practice and procedure, and served as an editor of the Harvard Law Review.

**Colleen Chien** is an Assistant Professor of Law at Santa Clara Law. She teaches and researches in the areas of patent law and international intellectual property law, with an emphasis on empirical research and access to technology issues. Her recent publications include in-depth empirical studies of patent litigation and NPEs and litigation at the International Trade Commission. She frequently speaks at national conferences on patent law and policy issues. Prior to Professor Chien's academic appointment, she prosecuted patents at Fenwick & West LLP in San Francisco, California, where she remains Special Counsel, and was a Fellow at the Center for Law and the Biosciences at Stanford Law School. She worked as an investigative journalist at the Philippine Center for Investigative Journalism as a Fulbright Scholar.

**Alice A. Kipel** is a partner in the Washington office of Steptoe & Johnson LLP, where she is a member of the International Department and Intellectual Property Group. She focuses on international trade matters, chiefly those affecting imports into the United States. Ms. Kipel has been involved in all facets of Title VII proceedings (antidumping and countervailing duty cases) at both the U.S. International Trade Commission and the U.S. Department of Commerce. In addition, Ms. Kipel has extensive experience in litigation before the International Trade Commission in actions arising under Section 337 of the Tariff Act of 1930, as amended (unfair import practices), and is an active participant in bar activities in the field, including publication of articles regarding Section 337. She is also a member of the Executive Committee of the International Trade Commission Trial Lawyers Association. Ms. Kipel currently serves as Chair of the Court of International Trade's Advisory Committee, which is authorized by statute to assist the court in rulemaking and other procedural matters.

**Christine McDaniel**, Ph.D., is the chief economist to Chairman Shara Aranoff at the U.S. International Trade Commission. She is responsible for providing the Chairman with economic expertise and advice on international trade and industry issues and import injury cases. She served as Deputy Assistant Secretary for Economic Policy at the Department of the Treasury from March 2007 to January 2009, and senior economist for international trade at the White House Council of Economic Advisers from July 2005 to March 2007. She has also served at the U.S. Department of Commerce and the Office of the U.S. Trade Representative, and has taught a course on the economics of innovation at Georgetown University. She received her doctorate in economics from the University of Colorado, specializing in international trade and finance and econometrics. She has a B.A. in economics and Japanese Studies from the University of Illinois, Urbana-Champaign. She has published in academic journals on international trade, intellectual property rights, and economic modeling.

**Emily Ward** is Vice President, Deputy General Counsel, and the worldwide head of technology and patent law for eBay, PayPal, Shopping.com, and all eBay subsidiaries. She is responsible for leading and managing the group which handles the company's worldwide technology legal issues, patent strategy, prosecution, litigation, threats, acquisition, licensing, open source issues, standards bodies issues, and IP counseling. She also leads the Budget and Outside Counsel Management

Committee for the legal department. Ms. Ward has worked as an IP litigator and advisor for over twenty years, and prior to joining eBay, represented clients in diverse areas of technology. She was an IP litigator at Weil, Gotshal, & Manges; Jones Day; Reavis & Pogue; and Fenwick & West. She has a degree in chemical engineering and is a registered patent attorney. Ms. Ward has testified on patent reform before Congress, taught at many conferences and panels, and is recognized in Who's Who in American Law.

### **INTRODUCTORY REMARKS**

**Edith Ramirez** was sworn in as a Commissioner of the Federal Trade Commission on April 5, 2010, to a term that expires on September 25, 2015. Prior to joining the Commission, Ms. Ramirez was a partner in the Los Angeles office of Quinn Emanuel Urquhart & Sullivan, LLP, where she handled a broad range of complex business litigation, including successfully representing clients in intellectual property, antitrust and unfair competition matters. She also has extensive appellate litigation experience. From 1993-1996, Ms. Ramirez was an associate at Gibson, Dunn & Crutcher, LLP, in Los Angeles. She clerked for the Hon. Alfred T. Goodwin in the United States Court of Appeals for the Ninth Circuit from 1992-1993.

Ms. Ramirez graduated from Harvard Law School cum laude in 1992, where she served as an editor of the Harvard Law Review, and holds an A.B. in History magna cum laude from Harvard-Radcliffe College.

### **PANEL 3: STANDARD SETTING, PATENT RIGHTS, AND COMPETITION POLICY**

**Frances Marshall** (moderator) is Special Counsel for Intellectual Property in the Antitrust Division of the Department of Justice. She advises the Division on a wide range of policy and enforcement matters in which competition and intellectual property law and policy intersect. She led the Division's team that produced the 2007 DOJ/FTC report, *Antitrust Enforcement and Intellectual Property Rights: Promoting Innovation and Competition*. The Department awarded her the Attorney General's John Marshall Award for Providing Legal Advice in 2004. Before joining the Antitrust Division in 1994, Ms. Marshall was an attorney in the General Counsel's Office at the U.S. International Trade Commission and an associate at Kirkland and Ellis. She clerked for the Honorable Raymond C. Clevenger, III of the U.S. Court of Appeals for the Federal Circuit. Ms. Marshall received her law degree from the University of California, Berkeley, School of Law after graduating from Carleton College *magna cum laude* and Phi Beta Kappa and spending two years in West Africa as a Peace Corps volunteer. While at Berkeley Law, she was Managing Editor of the International Tax and Business Lawyer.

**Willard K. Tom** (moderator) is the General Counsel of the Federal Trade Commission. He had previously served as Deputy Director of the Bureau of Competition from 1997 to 2000, and as head of the Bureau's policy office from 1995 to 1997. He also served at the Antitrust Division of the Department of Justice, first as a trial attorney and later as Counsel to the Assistant Attorney General. His 30 years as an antitrust lawyer also includes stints as a partner in two major law firms.

Mr. Tom has been an active participant in bar and civic activities. In the American Bar Association, he served as a member of the governing Council of both the Section of Antitrust and the Section of Business Law, and was the editorial chair of the Antitrust Section's two-volume treatise, Antitrust Law Developments, as well as writing for numerous other publications. He also served as a

member of the D.C. Federal Judicial Nominations Commission from 1997-2000. Mr. Tom has also been honored by listings in *Who's Who in the World*, *Who's Who in America*, *The Best Lawyers in America*, *Chambers USA: America's Leading Lawyers for Business*, and *Competition/Antitrust, PLC Which Lawyer?*

**Mark Chandler** is Senior Vice President, General Counsel and Secretary of Cisco Systems, a Fortune 100 company and the world's leading supplier of Internet infrastructure and telephony equipment. In that role, he manages a 250-member team of professionals; he has served in that capacity since 2001. Prior to that, he was Managing Attorney, Europe, Middle East and Africa, based in Paris. He was previously General Counsel of StrataCom, Inc., which Cisco acquired in July 1996, and was Vice President, Corporate Development and General Counsel of Maxtor Corporation, a Fortune 500 manufacturer of computer data storage devices, from 1988-1994.

Mr. Chandler is responsible for setting Cisco's legal strategy and managing intellectual property and litigation matters, including anti-counterfeiting and anti-piracy efforts, as well as for corporate compliance efforts. He has represented Cisco in a variety of public policy matters regarding global Internet freedom issues, efforts to expand market access by working against non-tariff barriers affecting the development of the global Internet, and intellectual property legislation.

Mr. Chandler received a B.A. in 1978 from Harvard College in Economics, and a J.D. from Stanford Law School in 1981.

**Patrick Gallagher**, Ph.D., was confirmed as the 14th Director of the U.S. Department of Commerce's National Institute of Standards and Technology (NIST) in November 2009. Dr. Gallagher provides high-level oversight and direction for NIST. The agency promotes U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology. NIST's FY 2009 resources total \$1.6 billion and the agency employs about 2,900 scientists, engineers, technicians, support staff and administrative personnel at two main locations in Gaithersburg, Md., and Boulder, Colo. In addition to \$819 million in FY09 appropriations and \$125 million from other agencies, the American Recovery and Reinvestment Act of 2009 provides a total of \$610 million to NIST for building critically needed research facilities, expanding fellowships and research grants, and addressing important national priorities critical to the nation's future.

Dr. Gallagher had served as Deputy Director since 2008. Prior to that, he served for four years as Director of the NIST Center for Neutron Research (NCNR). The NCNR provides a broad range of neutron diffraction and spectroscopy capability with thermal and cold neutron beams and is presently the nation's most used facility of this type. Dr. Gallagher received his Ph.D. in Physics from the University of Pittsburgh in 1991.

**Brian Kahin** is Senior Fellow at the Computer and Communications Industry Association in Washington, D.C., where his work focuses on patent policy, standards, open source, and innovation policy. He is also an adjunct professor at the University of Michigan School of Information. Mr. Kahin was previously founding Director of the Information Infrastructure Project at Harvard's John F. Kennedy School of Government (1989-97), the first academic program to address the social, economic, and policy implications of the Internet. He served as Senior Policy Analyst in the White House Office of Science and Technology Policy from 1997 to 2000. He has edited ten books, including *Standards Policy for Information Infrastructure* with Janet Abbate (MIT Press 1995),

and, most recently, *Advancing Knowledge and the Knowledge Economy* with Dominique Foray (MIT Press 2006). He holds degrees from Harvard College and Harvard Law School.

**Anne Layne-Farrar**, Ph.D., is Director of LECG and specializes in antitrust and intellectual property matters, especially where the two issues are combined. She advises clients on competition, intellectual property, regulation, and policy issues across a broad range of industries, with a particular focus on high-tech. Her client list includes some of the largest information technology, communications, and pharmaceuticals companies in the world.

Her advisory work for industry leading clients has included: analyzing reasonable licensing, including RAND and FRAND; analyzing patent filings for market definition; assessing economic incentives and firm behavior within standard-setting organizations; reviewing the competitive implications of licensing pharmaceuticals; calculating damages; conducting empirical research on the costs and benefits of payment instruments within the United States; determining costs and benefits for legislative proposals covering labor unions, television ratings, software security, and e-commerce; and assessing the antitrust implications of mergers and acquisitions in a number of industries, including software, telecommunications, pharmaceuticals, airlines, manufacturing, and consumer goods.

Dr. Layne-Farrar received her B.A. summa cum laude in economics with honors from Indiana University, Bloomington, and her Master's and Ph.D in economics from the University of Chicago.

**Amy A. Marasco** is the General Manager for Standards Strategy at Microsoft, and she leads an international team that addresses strategic policy and engagement issues on a corporate-wide, global basis. Ms. Marasco regularly engages in standards-related intellectual property policy debates at numerous standards bodies and in many other forums. Among other things, she is a rapporteur at the TSB Director's IPR Ad Hoc Group at the ITU-T, and she has testified or given presentations on standards and IPR policy issues upon request by the Federal Trade Commission, the European Commission, METI (the Japanese Ministry of Economy, Trade and Industry) and CESI (in the People's Republic of China).

Ms. Marasco joined Microsoft after serving as the Vice President and General Counsel of the American National Standards Institute (ANSI) from 1994-2004. Prior to joining ANSI, Ms. Marasco was an attorney with the law firm of Cadwalader, Wickersham & Taft in its New York office.

**Stanford McCoy** is Assistant U.S. Trade Representative for Intellectual Property and Innovation at the Office of the U.S. Trade Representative. He serves as the chief policy advisor to the United States Trade Representative and the Administration agencies on intellectual property and trade issues, and is responsible for developing and implementing United States trade policy on intellectual property. USTR's office of Intellectual Property and Innovation also coordinates innovation policy trade issues, such as those related to pharmaceuticals and medical technology, and the intersection between intellectual property trade rules and competition policy.

Mr. McCoy is the lead U.S. trade negotiator on intellectual property and innovation, including in the WTO TRIPS Council and the U.S. free trade agreements. In addition, he oversees bilateral discussions with numerous trading partners on a wide variety of intellectual property and innovation



issues, including enforcement of intellectual property protection required under international trade rules, and is responsible for implementation and enforcement of intellectual property obligations under the WTO agreements and all U.S. free trade agreements.

He is a graduate of DePauw University and the University of Virginia School of Law.

**A. Douglas Melamed** is Senior Vice President and General Counsel at Intel Corporation. In this role, he is responsible for overseeing all Intel legal matters as well as corporate and government affairs. Prior to joining Intel in 2009, Mr. Melamed was a partner at WilmerHale, a global law firm where he was a leader in its Regulatory and Government Affairs Department and served as a chair of the Antitrust and Competition Practice Group in the Washington, D.C. office. He joined WilmerHale in 1971.

Mr. Melamed served in the U.S. Department of Justice from October 1996 to January 2001 as acting assistant attorney general in charge of the Antitrust Division and as principal deputy assistant attorney general. While principal deputy, he was responsible for civil non-merger and merger investigations and litigation involving most of the Division's litigating sections; the Division's appellate matters; policy matters involving, among others, the communications, electricity and tobacco industries; and international antitrust enforcement matters.

Mr. Melamed received his B.A. from Yale University in 1967 and his J.D. from Harvard Law School in 1970.

## **INTRODUCTORY REMARKS**

**Cameron Kerry** serves as the General Counsel of the U.S. Department of Commerce. President Obama nominated him on April 20, 2009 and his appointment was confirmed unanimously by the U.S. Senate on May 21, 2009.

As General Counsel, Mr. Kerry is the principal legal advisor to Secretary Locke and chief legal officer of the Department. He oversees the work of over 325 lawyers in 14 offices who provide legal advice to all components of the Department.

Previously, Mr. Kerry was a partner in the Boston office of Mintz Levin, a national law firm. In over 30 years of practice, he has been a communications lawyer and litigator in a range of complex, developing areas such as telecommunications, environmental law, toxic torts, privacy, and insurance regulation. Mr. Kerry has taught telecommunications law as an adjunct professor at Suffolk University Law School and has written and presented on communications, evidence, and environmental issues in a variety of industry and academic settings.

Mr. Kerry received his B.A. cum laude from Harvard College and his J.D. magna cum laude from Boston College Law School.

## **WRAP-UP DISCUSSION**

**Carl Shapiro**, Ph.D., serves as the Deputy Assistant Attorney General for Economic Analysis at the Antitrust Division of the Department of Justice, where he supervises more than 50 Ph.D. economists in the Antitrust Division's Economic Analysis Group (E.A.G.). E.A.G. is widely recognized as one of the most experienced and sophisticated organizations in the world in the application of economics to competition policy. Dr. Shapiro had the honor of serving previously as Deputy Assistant Attorney General for Economics at the Antitrust Division during 1995 and 1996. He is on leave from the University of California, Berkeley, where he has been on the faculty since 1990. Prior to that appointment, he was on the faculty of Princeton University from 1980 to 1990 and earned his Ph.D. in Economics from MIT in 1981.

**Joseph Farrell**, Ph.D., became the Director of the Bureau of Economics at Federal Trade Commission in April 2009. Prior to that, he taught economics at the University of California, Berkeley, where he also chaired the Competition Policy Center. He joined UC Berkeley in 1989 as an associate professor and became a full professor in 1991. He was elected a Fellow of the Econometric Society in 2002. Dr. Farrell was Deputy Assistant Attorney General for Economics at the Antitrust Division of the Department of Justice from 2000-2001 and Chief Economist at the Federal Communications Commission from 1996-1997. He has written extensively on industrial organization and microeconomics, including the economics of standards and of innovation. He was educated at Oxford University, where he received his D.Phil. in 1981.

**Stuart Graham**, Ph.D., is the Chief Economist at the U.S. Patent and Trademark Office, where he is on leave from his academic post at the Georgia Institute of Technology. Dr. Graham conducts research on the economics of the patent system, intellectual property (IP) transactions, and the relationship of IP to entrepreneurship and the commercialization of new technologies. He received his Ph.D from the University of California, Berkeley, and holds other advanced degrees in Law (J.D.), Business (M.B.A.), and Information Systems (M.A.). His recent research on the patent system has been published in the journal *Science*, the *Journal of Economics and Management Strategy*, the *Annals of Economics and Statistics*, the *Berkeley Technology Law Journal*, and *Management Science*, among others. He has been honored as a Ewing Marion Kauffman Foundation Fellow in Entrepreneurship, a Robert Noyce Fellow in Industrial Competitiveness, and a Gottfried Leibniz Fellow in Industrial Economics at the Center for European Economic Studies (ZEW).